

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CENTRAL RAILROAD, INC.,  
Plaintiff,

v.

SPRINGFIELD TERMINAL RAILWAY  
COMPANY and BOSTON AND MAINE  
CORPORATION,  
Defendants

Civil Action No.: 04-30235-MAP

**PLAINTIFF'S ASSENTED TO MOTION FOR ADDITIONAL TIME  
TO RESPOND TO THE DEFENDANTS' MOTION TO DISMISS**

The plaintiff, New England Central Railroad, Inc. ("NECR") hereby moves, with the assent of the defendants, to be permitted an additional fourteen days to February 18, 2005, to respond to the *Defendants' Motion to Dismiss the Complaint*. As grounds therefore, the NECR sets forth the following:

1. The defendants served their motion on January 21, 2005.
2. The plaintiff's response is due to the court on February 4, 2005.
3. Plaintiff's counsel, Michael B. Flynn, is presently on trial at the Suffolk Superior Court in the matter of Aundria Burcey v. CSX Transportation, Inc., C.A. No.: 01-5311.
4. Plaintiff's counsel's trial commenced trial on Monday, January 31, 2005, which should take between five and seven days to complete.
5. On Monday, January 31, 2005, counsel for the defendants was contacted concerning the within motion and assented to granting the plaintiff an additional fourteen days to respond to his client's motion.

WHEREFORE, the NECR requests that this Honorable Court grant it the additional fourteen days to respond to the *Defendants' Motion to Dismiss the Complaint* until February 18, 2005.

Respectfully submitted,  
NEW ENGLAND CENTRAL RAILROAD, INC.,  
by its attorneys,

/s/ Richard A. Davidson, Jr.  
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Dated: February 1, 2005

Assented to by:

/s/ Robert B. Culliford  
Robert B. Culliford BBO# 638468  
Counsel for the Defendants  
Boston and Maine Corporation  
Springfield Terminal Railway Company